

MAR 13 2015

S.R. NO. 113

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## SENATE RESOLUTION

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REQUESTING THE DEPARTMENT OF EDUCATION AND DEPARTMENT OF  
COMMERCE AND CONSUMER AFFAIRS TO CONVENE A WORKING GROUP TO  
EVALUATE AND PLAN FOR THE TRANSFER OF THE LICENSURE OF  
PRIVATE TRADE, VOCATIONAL, AND TECHNICAL SCHOOLS FROM THE  
DEPARTMENT OF EDUCATION TO THE DEPARTMENT OF COMMERCE AND  
CONSUMER AFFAIRS AND CONSIDER ALTERNATIVE LICENSING  
PROCEDURES THAT ARE IN THE BEST INTEREST OF THE STATE'S  
PRIVATE TRADE, VOCATIONAL, AND TECHNICAL SCHOOLS AND  
STUDENTS.

1 WHEREAS, private trade, vocational, and technical schools  
2 are higher-level learning institutions that specialize in  
3 providing students the education and skills needed to perform  
4 the tasks of a particular job, including but not limited to  
5 maritime and healthcare jobs; and  
6

7 WHEREAS, section 302A-425, Hawaii Revised Statutes,  
8 requires all private trade, vocational, and technical schools be  
9 licensed by the Department of Education; and  
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11 WHEREAS, section 302A-425, Hawaii Revised Statutes, was  
12 amended by Act 57, Session Laws of Hawaii 1998, to clarify that  
13 the purpose of the licensing law is to protect consumers against  
14 false, deceptive, misleading, or unfair practices and to ensure  
15 adequate educational quality at private trade, vocational, and  
16 technical schools; and  
17

18 WHEREAS, the Auditor's 2002 report on the licensing of  
19 private trade, vocational, and technical schools stated that  
20 when section 302A-425, Hawaii Revised Statutes, was amended by  
21 Act 57, Session Laws of Hawaii 1998, to clarify its purpose, the  
22 clarification shifted the emphasis of the licensing law to  
23 consumer protection and brought into question the Department of  
24 Education's administration of the licensure of private trade,  
25 vocational, and technical schools; and  
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1 WHEREAS, the Department of Education's primary  
2 responsibility is educating students in kindergarten through  
3 twelfth grade; and

4  
5 WHEREAS, the Department of Education is unable to  
6 effectively administer the licensure of private trade,  
7 vocational, and technical schools due to its lack of  
8 understanding and expertise regarding the specialized curriculum  
9 offered at these schools and lack of experience in providing  
10 post-secondary education and overseeing post-secondary  
11 institutions; and

12  
13 WHEREAS, the Department of Commerce and Consumer Affairs'  
14 primary responsibility is to protect consumers and the  
15 Department has experience in the licensure of professions and  
16 businesses, as well as some experience in licensing schools; and

17  
18 WHEREAS, transferring the licensure of private trade,  
19 vocational, and technical schools to an appropriate agency and  
20 establishing alternative licensing procedures will improve the  
21 licensing process for private trade, vocational, and technical  
22 schools; now, therefore,

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24 BE IT RESOLVED by the Senate of the Twenty-eighth  
25 Legislature of the State of Hawaii, Regular Session of 2015,  
26 that the Department of Education and Department of Commerce and  
27 Consumer Affairs are requested to convene a working group to  
28 evaluate and plan for the transfer of the licensure of private  
29 trade, vocational, and technical schools from the Department of  
30 Education to the Department of Commerce and Consumer Affairs and  
31 consider alternative licensing procedures that are in the best  
32 interest of the State's private trade, vocational, and technical  
33 schools and students; and

34  
35 BE IT FURTHER RESOLVED that the Department of Commerce and  
36 Consumer Affairs consider licensure procedures that protect  
37 consumers from false, deceptive, misleading, and unfair  
38 practices at private trade, vocational, and technical schools  
39 and ensure adequate educational quality at these schools; and  
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1 BE IT FURTHER RESOLVED that the Department of Education and  
2 Department of Commerce and Consumer Affairs include interested  
3 stakeholders in the working group's discussions; and  
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5 BE IT FURTHER RESOLVED that the Department of Education and  
6 Department of Commerce and Consumer Affairs submit their  
7 findings and recommendations, including a transfer timeline and  
8 any proposed legislation, to the Legislature no later than  
9 twenty days prior to the convening of the Regular Session of  
10 2016; and  
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12 BE IT FURTHER RESOLVED that certified copies of this  
13 Resolution be transmitted to the Governor, Superintendent of  
14 Education, Chairperson of the Board of Education, Director of  
15 Commerce and Consumer Affairs, and Auditor.  
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